

In the Claims:

Please cancel claims 3-6, 9-23 and 32. Add new claims 33-47 and amend the claims as follows. All pending claims are reproduced below.

1. (Currently Amended) An implant adapted to be inserted between adjacent first and second spinous processes comprising:

a first end that defines a first saddle;

a second end that defines a second saddle;

a first tether associated with the first saddle;

a second tether associated with the second saddle;

the first tether adapted to retain the first spinous process relative to ~~[[in]]~~ the first saddle; ~~[[and]]~~

the second tether adapted to retain the second spinous process relative to ~~[[in]]~~ the second saddle wherein the implant comprises a unitary body that is located between the first and second ends, and wherein the unitary body defines the first saddle at the first end that is adapted to be in direct contact with the first spinous process and the second saddle at the second end that is adapted to be in direct contact with the second spinous process; and

wherein the first saddle is defined between a first leg and a first side of the body and the second saddle is defined between a second leg and a second side of the body with the first tether associated with the first leg and the first side of the body and the second tether associated with the second leg and the second side of the body.

2. (Original) The implant of claim 1 wherein said first tether is separate from the second tether.

3. (Canceled)

4. (Canceled)

5. (Canceled)

6. (Canceled)

7. (Currently Amended) An implant adapted to be inserted between adjacent first and second spinous processes comprising:

a first end that defines a first saddle;

a second end that defines a second saddle;

a first fastener associated with the first saddle, which first fastener is adapted to surround the first spinous process;

a second fastener associated with the second saddle, which second fastener is adapted to surround the second spinous process;

the first fastener adapted to retain the first spinous process relative to ~~[[in]]~~ the first saddle; ~~[[and]]~~

the second fastener adapted to retain the second spinous process relative to ~~[[in]]~~ the second saddle wherein the implant comprises a unitary body that is located between the first and second ends, and wherein the unitary body defines the first saddle at the first end that is adapted to be in direct contact with the first spinous process and the second saddle at the second end that is adapted to be in direct contact with the second spinous process; and

wherein the first saddle is defined between a first leg and a first side of the body and the second saddle is defined between a second leg and a second side of the body with the first tether associated with the first leg and the first side of the body and the second tether associated with the second leg and the second side of the body.

8. (Currently Amended) The implant of claim ~~[[1]]~~ 7 wherein said first fastener is separate from the second fastener.

9. (Canceled)

10. (Canceled)

11. (Canceled)

12. (Canceled)

13. (Canceled)

14. (Canceled)

15. (Canceled)

16. (Canceled)

17. (Canceled)

18. (Canceled)

19. (Canceled)

20. (Canceled)

21. (Canceled)

22. (Canceled)

23. (Canceled)

24. (Currently Amended) An interspinous process implant adapted to be inserted between a first and a second spinous process comprising:

a unitary body having a first end defining a first saddle, and a second end defining a second saddle, where the first and second saddles are adapted to directly engage first and second spinous processes, respectively;

a first fastener secured to the first saddle [[through a first bore and a second bore]], where the first fastener surrounds the first spinous process; and

a second fastener secured to the second saddle [[through a first bore and a second bore]], where the second fastener surrounds the second spinous process.

25. (Original) The interspinous process implant of claim 24, where at least one of the first or second fasteners is a tether.

26. (Canceled)

27. (Canceled)

28. (Canceled)

29. (Canceled)

30. (Currently Amended) [[An]] In an interspinous process implant the improvement comprising a unitary central body with first and second saddles adapted to receive adjacent spinous processes, [[the improvement comprising]] the interspinous process implant having at least one tether secured to at least one saddle in order to retain the interspinous process implant between the interspinous processes.

31. (Currently Amended) ~~[[An]]~~ In an interspinous process implant the improvement comprising ~~[[having]]~~ a ~~[[central]]~~ unitary body with first and second saddles adapted to receive adjacent spinous processes, ~~[[the improvement comprising]]~~ the interspinous process implant having ~~[[one]]~~ a first tether secured relative to one saddle and ~~[[one pin]]~~ a second tether that is secured relative to the other saddle in order to retain the interspinous process implant between the interspinous processes.

32. (Canceled)

Please add new claims 33-47 as follows:

33. (New) The implant of claim 1 wherein the unitary body is configured to distract the first and second spinous processes.

34. (New) The implant of claim 7 wherein the unitary body is configured to distract the first and second spinous processes.

35. (New) The interspinous process implant of claim 24 wherein the unitary body is configured to distract the first and second spinous processes.

36. (New) The interspinous process implant of claim 30 wherein the implant is configured to distract the adjacent spinous processes.

37. (New) The interspinous process implant of claim 31 wherein the implant is configured to distract the adjacent spinous processes.

38. (New) The implant of claim 1 wherein said first tether is securable to the first leg and to the first side of the body and the second tether is securable to the second leg and to the second side of the body.

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39. (New) The implant of claim 1 wherein said first tether is securable through a first bore in the first leg and the second tether is securable through a second bore in the second leg.

40. (New) The implant of claim 1 wherein said first tether is securable through a first bore in the first leg and is securable to the first side of the body and the second tether is securable through a second bore in the second leg and is securable to the second side of the body.

41. (New) The implant of claim 7 wherein said first fastener is securable to the first leg and to the first side of the body and the second fastener is securable to the second leg and the second side of the body.

42. (New) The implant of claim 7 wherein said first fastener is securable through a first bore in the first leg and the second fastener is securable through a second bore in the second leg.

43. (New) The implant of claim 7 wherein said first fastener is securable through a first bore in the first leg and is securable to the first side of the body and the second fastener is securable through a second bore in the second leg and is securable to the second side of the body.

44. (New) An implant adapted to be inserted between adjacent first and second spinous processes comprising:

- a first end that defines a first saddle;
- a second end that defines a second saddle;
- a first tether associated with the first saddle;
- a second tether associated with the second saddle;
- the first tether adapted to retain the first spinous process relative to the first saddle;
- the second tether adapted to retain the second spinous process relative to the second saddle wherein the implant comprises a unitary body that is located between the first and second ends, and wherein the unitary body defines the first saddle at the first end that is adapted to be in direct contact with the first spinous process and the second saddle at the second end that is adapted to be in direct contact with the second spinous process; and

wherein the first saddle is associated with a first leg and a first side of the body and the second saddle is associated with a second leg and a second side of the body with the first tether associated with the first leg and the first side of the body and the second tether associated with the second leg and the second side of the body.

45. (New) The implant of claim 44 wherein said first tether is securable to the first leg and to the first side of the body and the second tether is securable to the second leg and to the second side of the body.

46. (New) An implant adapted to be inserted between adjacent first and second spinous processes comprising:

- a first end that defines a first saddle;
- a second end that defines a second saddle;
- a first tether associated with the first saddle;
- a second tether associated with the second saddle;
- the first tether adapted to retain the first spinous process relative to the first saddle;
- the second tether adapted to retain the second spinous process relative to the second saddle wherein the implant comprises a body that is located between the first and second ends, and wherein the body defines the first saddle at the first end that is adapted to be associated with the first spinous process and the second saddle at the second end that is adapted to be associated with the second spinous process; and

wherein the first saddle is associated with a first leg and a first side of the body and the second saddle is associated with a second leg and a second side of the body with the first tether associated with the first leg and the first side of the body and the second tether associated with the second leg and the second side of the body.

47. (New) The implant of claim 46 wherein said first tether is securable to the first leg and to the first side of the body and the second tether is securable to the second leg and to the second side of the body.